



PATENT
ATTORNEY DOCKET: 046124-5281

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Hirotoishi TERADA et al.)	Confirmation No.: 6516
)	
Application No.: 10/804,195)	Group Art Unit: 2872
)	
Filed: March 19, 2004)	Examiner: Joshua L. Pritchett
)	
For: MICROSCOPE AND SAMPLE)	
OBSERVATION METHOD)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT
AND AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to Restriction Requirement and Amendment in response to an Office Action dated September 6, 2005.
2. Additional papers enclosed:
 - ☐ Drawings: ___ sheets with ___ figures
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	16	minus	20	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	4	minus	3	1	x \$200 each =	+ \$200.00
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$200.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$200.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Enclosed is a check in the amount of \$200.00 for the additional claim fee.
- ☐ The Commissioner is hereby authorized to charge _____ to Deposit Account No. 50-0573 for the _____ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: October 5, 2005

By: 

Paul A. Fournier

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Alexandria, VA 22314

Sir:

RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

In response to the Office Action dated September 6, 2005, the period for response to which extends through October 6, 2005, Applicants refer to the Remarks portion provided below.

In addition, Applicants request that the above-identified application be amended as follows:

10/06/2005 SZEWDIE1 00000062 10804195

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